

### REMARKS/ARGUMENTS

Claims 30-33 and 44-59 are pending in this application. Claims 30-33 and 44-59 stand rejected. Claims 30-32, 50-52, 56 and 58 have been amended to clarify the claimed subject matter. No new matter has been added. In view of the following remarks, reconsideration and allowance of all pending claims are respectfully requested.

#### **I. Claim Rejections Under 35 U.S.C. 112**

The Office Action rejects claims 31-32 and 51-52, and 58 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. The Office Action asserts that the claims recite the limitation of “adding” local content information to the broadcast data and the specification fails to describe the above limitation. Applicants respectfully traverse the rejections. Claim 31 has been amended to recite wherein the retransmitting said locally formatted data includes retransmitting local content. This amendment is supported in the specification at, for example, page 19, first paragraph where data transmitted in the localcast mode may be local content. Further examples are mentioned on page 5, first full paragraph. Accordingly, applicants request that the rejection be withdrawn.

With regards to claim 32, claim 32 has been amended to recite wherein the retransmitting said locally formatted data includes retransmitting application information. This amendment is supported in the specification at, for example, page 19, first paragraph where data transmitted in

the localcast mode may be application data. Accordingly, applicants request that the rejection be withdrawn.

With regards to claim 51, claim 51 has been amended to recite wherein the retransmitting the locally formatted data includes retransmitting local content. Accordingly, applicants request that the rejection be withdrawn.

With regards to claim 52, claim 52 has been amended to recite wherein the retransmitting said locally formatted data includes retransmitting application information. Accordingly, applicants request that the rejection be withdrawn.

With regards to claim 58, claim 58 has been amended to recite wherein the localcast transmitter is further arranged to broadcast at least one of local content information and application information. Accordingly, applicants request that the rejection be withdrawn.

## **II. Claim Rejections under 35 U.S.C. §102**

The Office Action rejects claims 30-33, 44-45 and 49-59 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,060,996 (“Kaiser”). Claim 30 as amended recites adjusting a variable tuning element configured to tune an antenna in response to a scheduled message reception. This amendment is supported in the specification for example, at page 6, line 25 to page 7, line 3. Kaiser does not teach or otherwise suggest a tunable antenna for receiving because Kaiser merely teaches fixed antennas with no variable tuning capability. (See, for example, Kaiser at Figure 3). Claim 30 is allowable.

Claim 50 as amended recites adjusting a variable tuning element configured to tune an antenna in response to a scheduled message reception. This amendment is supported in the specification for example, at page 6, line 25 to page 7, line 3. Kaiser does not teach or otherwise suggest a tunable antenna for receiving because Kaiser merely teaches fixed antennas with no variable tuning capability. (See, for example, Kaiser at Figure 3). Claim 50 is allowable.

Claim 56 as amended recites an antenna assembly configured to be tuned in response to a scheduled message reception. This amendment is supported in the specification for example, at page 6, line 25 to page 7, line 3. Kaiser does not teach or otherwise suggest a tunable antenna for receiving because Kaiser merely teaches fixed antennas with no variable tuning capability. (See, for example, Kaiser at Figure 3). Claim 56 is allowable.

Claims 31-33, 44-45, 49, 51-55 and 57-59 are believed to be allowable for at least the reasons stated above for the claims from which they depend.

### **III. Claim Rejections under 35 U.S.C. §103**

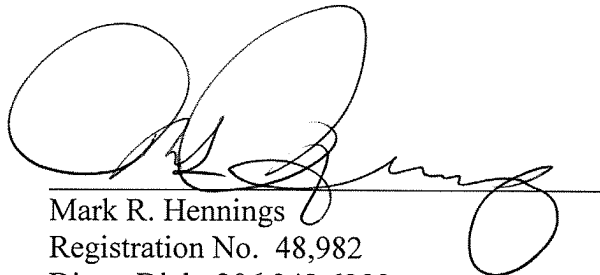
The Office Action rejects claims 46-48 under 35 U.S.C. §103(a) as being unpatentable over Kaiser in view of U.S. Patent No. 5,442,646 (“Chadwick”). Claims 46-58 depend on amended claim 30. As stated above, claim 30 as amended recites adjusting a variable tuning element configured to tune an antenna in response to a scheduled message reception. Kaiser does not teach or otherwise suggest a tunable antenna for receiving because Kaiser merely teaches fixed antennas with no variable tuning capability. (See, for example, Kaiser at Figure 3). Further, Chadwick fails to overcome these deficiencies because Chadwick is addressed only to

encoding in a paging system which uses known, predetermined frequencies so that variable tuning capabilities are not needed. (Chadwick, at Fig. 2). Thus, Kaiser in view of Chadwick, either singly or in motivated combination, does not teach or suggest the recited limitations. Claims 46-58 are allowable.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

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